



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

April 21, 2023

MEMORANDUM TO:

Mirela Gavrilas, Director  
Office of Nuclear Security and Incident Response

Raymond K. Lorson, Regional Administrator  
Region I

Laura A. Dudes, Regional Administrator  
Region II

Jack B. Giessner, Regional Administrator  
Region III

Robert J. Lewis, Acting Regional Administrator  
Region IV

FROM:

John W. Lubinski, Director  
Office of Nuclear Material Safety and Safeguards

A handwritten signature in black ink, appearing to be "M. Franke".

Signed by Franke, Mark  
on 04/21/23

SUBJECT:

CANCELLATION OF COVID-19 PANDEMIC INSPECTION  
PROGRAM GUIDANCE FOR THE NUCLEAR MATERIALS AND  
WASTE SAFETY PROGRAM

As stated in a [Presidential policy statement](#) dated January 30, 2023, the COVID-19 Public Health Emergency (PHE) will expire on May 11, 2023. The purpose of this memorandum is to define the effects this expiration will have on COVID-related guidance issued for the Nuclear Materials and Waste Program.

As of May 11, 2023, the guidance in the November 2, 2021, memorandum, "Implementation of Inspection Programs Following Re-Entry from the Public Health Emergency for the Nuclear Materials and Waste Safety Program," Agencywide Documents Access and Management Systems (ADAMS) Accession No. ([ML21294A278](#)) will be cancelled with one exception described below. In addition, a portion of the guidance in the February 19, 2021, memorandum, "Actions Required to Maintain the Effectiveness of the Office of Nuclear Material Safety Inspection Programs," ([ML21048A030](#)) is cancelled, as specifically stated in the table below.

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November 2, 2021, memorandum, "Implementation of Inspection Programs Following Re-Entry from the Public Health Emergency for the Nuclear Materials and Waste Safety Program"	
Cancelled	Standing
<p>Guidance that allows for inspection planning and performance flexibilities based on site specific conditions and the decision-making guiding principles for planning on-site inspections during the COVID-19 PHE.</p>	<p>With respect to the reporting requirements, for inspection activities associated with the Nuclear Materials Users Business Line, the regions can continue to rely on data captured in the Office of Nuclear Material Safety and Safeguards (NMSS) <a href="#">Data Foundation dashboards</a>. The regions should ensure that data in the Web-based Licensing (WBL) system is maintained up to date.</p> <p>For programs that are not fully captured in WBL, the regions will need to report program adjustments to the business line manager if such adjustments are not addressed in manual chapter or if the manual chapter directs the region to report it.</p>
February 19, 2021, memorandum, "Actions Required to Maintain the Effectiveness of the Office of Nuclear Material Safety Inspection Programs,"	
Cancelled	Standing
<p>All references to following the guidance in the June 1, 2020, COVID inspection guidance memorandum (<a href="#">ML20143A281</a>), including:</p> <p>(page 4) in inspection methods: <i>Until the conclusion of the COVID-19 PHE, the additional guidance contained in the memorandum "INSPECTION GUIDANCE DURING TRANSITION FROM COVID-19 MANDATORY TELEWORK FOR THE NUCLEAR MATERIALS AND WASTE SAFETY PROGRAMS" dated June 1, 2020 (Agencywide Documents Access and Management System Accession Number ML20143A281), should also be followed. Also, as noted in the memo, while IMCs direct unannounced inspections, inspection activities should be "announced and coordinated with the licensee in advance as appropriate," until the conclusion of the COVID-19 PHE.</i></p> <p>(page 4) in timeliness of inspections: <i>...including the guidance in the June 1 memo.</i></p> <p>(page 4) in timeliness of inspections: <i>"As noted above, the guidance in the June 1 memo should continue to be followed for scheduling inspections."</i></p>	<p>The rest of the memorandum, which provides expectations to the Nuclear Materials and Waste Safety Programs business line managers for ensuring consistency in decision-making and documentation related to the implementation of the inspection programs in NMSS.</p>

<p>(page 5) in adjustments to inspection intervals: <i>IMC 2561, Section 06.01; IMC 2600, Section 04.02; IMC 2690, Section 03.08; and IMC 2800, Section 06.04 contain guidance which can be construed to permit the extension of inspection intervals past due dates (or past due dates including grace periods) or to reduce inspection hours below 90 percent of targeted values due to reasons beyond the control of the NRC. This provision is suspended during performance of inspections under COVID-19 and such decision should be handled as program adjustments as defined above.</i></p>	
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The Nuclear Materials and Waste oversight programs must be implemented in accordance with the most current and applicable inspection manual chapters (2561, 2600, 2602, 2690, 2800, and 2801) and procedures. Should any conditions arise that could impact the health and safety of inspectors, these conditions should be addressed by the cognizant regional office in coordination with the program office. Some manual chapters (2602, 2800) already incorporate certain flexibilities as a result of the NMSS assessment and recommendations<sup>1</sup> resulting from the evaluation of inspection program implementation during the PHE. For example, these programs allow for hybrid or remote inspections when appropriate and include inspection guidance for implementing oversight programs during pandemics.

While the staff has evaluated and implemented lessons learned from the implementation of the Nuclear Materials and Waste Safety oversight programs during the PHE, it will continue to consider additional feedback to inform future oversight program enhancements. Should there be additional feedback, please provide it to the business line manager or in accordance with the guidance in the respective manual chapters.

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<sup>1</sup> [Office of Nuclear Material Safety and Safeguards COVID-19 Public Health Emergency Oversight Activities Assessment Phase B Report, dated November 24, 2021 \(ADAMS Accession No. ML21294A368\)](#)

CANCELLATION OF INSPECTION PROGRAMS MEMORANDA REGARDING IMPLEMENTATION OF INSPECTION PROGRAMS FOLLOWING RE-ENTRY FROM THE PUBLIC HEALTH EMERGENCY FOR THE NUCLEAR MATERIALS AND WASTE SAFETY PROGRAM DATE April 21, 2023

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**ADAMS Accession No.: ML23103A203**

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